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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,709	01/08/2004	David Bruce Kumhyr	AUS920030978US1	6266
35525	7590	09/11/2007		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER ADDY, THJUAN KNOWLIN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/753,709	KUMHYR, DAVID BRUCE	
	Examiner	Art Unit	
	Thjuan K. Addy	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/08/2004; 05/08/2006; 11/03/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.
2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
4. The abstract of the disclosure is objected to because the abstract recites, "A method, system and computer instructions are **disclosed**...". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 14-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Independent claim 14 recites, "A computer program product in a computer readable medium...". However, in the specification, Applicant defines the computer readable media as being a "**transmission-type media**, such as digital and analog communications links, wired or wireless communications links using transmissions forms, such as, for example, **radio frequency and light wave transmissions**." When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, stored in a computer-readable medium, in a computer, or on an electromagnetic carrier signal does not make it statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 6-11, 13-17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Flint et al (US 6,504,917).

8. The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

9. In regards to claims 1, 8, and 14, Flint discloses a method, system, and computer program product in a computer readable medium for visually representing an interactive telephone call tree (e.g., call path) interface (See Abstract), comprising the steps of: providing a first interactive screen of display for a telephone call tree; displaying said first interactive screen of display for said telephone call tree; selecting a node (e.g., branch) of said displayed first interactive screen of display for said telephone call tree; and displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node (See col. 1 lines 48-

61, col. 5 lines 3-12, col. 6 lines 40-54, col. 11 lines 13-29, and col. 12 lines 36-60).

10. In regards to claims 2, 9, and 15, Flint discloses the method, system, and computer program product, wherein the selecting step comprises the step of hovering over a hyper-link, said hyper-link including a network address associated with said node (e.g., branch) of said telephone call tree (See col. 11 lines 13-29).

11. In regards to claims 3, 10, and 16, Flint discloses the method, system, and computer program product, wherein the selecting step comprises the step of dialing a telephone number associated with said node of said telephone call tree (See col. 11 lines 57-66).

12. In regards to claims 4, 11, and 17, Flint discloses the method, system, and computer program product, wherein the providing step comprises the step of accessing a data storage location (e.g., sales, service, etc.) associated with an automated telephone answering system (See col. 11-12 lines 57-9).

13. In regards to claim 6, Flint discloses the method, wherein the steps are performed with a computer (See col. 5 lines 3-24 and col. 10 lines 56-61).

14. In regards to claims 7, 13, and 20, Flint discloses the method, system, and computer program product, wherein the steps are performed with a wire-line telephone (See Fig. 2, user telephone 200 and Fig. 9, user telephone 300) and a computer (See col. 5 lines 3-24 and col. 10 lines 56-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flint et al (US 6,504,917).
16. In regards to claims 5, 12, 18, and 19, Flint discloses all of claims 5, 12, 18, and 19 limitations, except the method, system, and computer program product, wherein the steps and instructions are performed with a wireless telephone. Flint, however, does disclose the steps being performed with a wire-line telephone (See Fig. 2, user telephone 200 and Fig. 9, user telephone 300) (See col. 5 lines 3-17). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the method, system, and computer program product, as a way of providing a wireless telephone user with enhanced user interaction with the call path system, thus making it faster and easier for the user to navigate through the various options displayed on the wireless telephone.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hall (US 5,828,883) teaches call path refinement profiles.
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Thjuan K. Addy", with a stylized flourish extending from the end of the name.

Thjuan K. Addy
Patent Examiner
AU 2614